

## AMENDMENTS TO AND LISTING OF THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1-44 (Canceled)

45. (Currently Amended) A toothbrush comprising:

a handle;

a neck connected to said handle;

a head connected to said ~~handle~~ neck and having ~~a first surface, and a second surface~~ a rigid portion having a first surface and a second surface, and a movable portion having a first surface and a second surface, wherein said rigid portion is non-movable relative to said neck and wherein said movable portion is movable relative to said neck;  
and

a mechanical vibratory device which causes the head to vibrate;

wherein said ~~head~~ rigid portion comprises a plurality of first cleaning elements extending from said first surface of said rigid portion that ~~are~~ is non-movable relative fixedly mounted to the rigid portion head, and a second cleaning element extending from said first surface ~~that is non-movable relative to the head;~~

wherein said movable portion comprises a plurality of ~~third~~ second cleaning elements extending from said first surface of said movable portion that are fixedly mounted to said movable portion; disposed between the first and second cleaning elements and being movable relative to the head, and a discontinuity in the form of an opening

a gap in the head positioned between said rigid portion and said movable portion;

a resilient membrane for flexibly attaching said movable portion to said rigid portion, said membrane positioned in a part of said gap; and

a plurality of third cleaning elements, each third cleaning element mounted on said resilient membrane and connected to both said rigid portion and said movable portion

~~an inner end of each of at least one of said plurality of third cleaning elements and a plane defined by the second surface to allow for movement of the at least one of said plurality of third cleaning elements relative to the head, the discontinuity being defined only by the head and the inner end of at least one of said plurality of third cleaning elements; wherein no portion of any of the third cleaning elements and no portion of the head extends outwardly beyond the second surfaces of said movable and rigid portions under any condition.~~

46. (Canceled).

47. (Cancelled)

48. (Previously Presented) The toothbrush according to claim 45, wherein the plurality of third cleaning elements comprise movable wipers generally arrayed in surrounding relation to said plurality of second cleaning elements.

49. (Previously Presented) The toothbrush according to claim 48, wherein the movable wipers ~~are mounted on a resilient membrane and rotate towards one another upon application of sufficient force on the toothbrush and away from~~ from each other upon release of that force.

50-76. (Canceled).

77. (Previously Presented) The toothbrush according to claim 45, wherein said mechanical vibratory device is located in the head or in a region adjacent to the head and operatively connected to an electric power source.

78. (Canceled).

79. (Previously Presented) The toothbrush according to claim 45, wherein the ~~discontinuity~~ first, second and third cleaning elements extend approximately the same distance from the head when no force is applied to said toothbrush is on the second surface opposite the at least one of said plurality of third cleaning elements.

80. (Previously Presented) The toothbrush according to claim 45, wherein at least one of said plurality of third cleaning elements is movable toward at least one of said first and second cleaning elements.

81. (Previously Presented) The toothbrush according to claim 45, wherein ~~the~~ at least one of said plurality of third cleaning elements is movable toward each of said first and second cleaning elements.

82 - 87. (Cancelled)

88. (Newly Added) The toothbrush according to claim 45 wherein the first surface of the movable portion remains aligned with or below a plane defined by the first surface of the rigid portion under any condition.

89. (Newly Added) The toothbrush according to claim 45 wherein said resilient membrane is made of an elastomeric material capable of flexing and recovering randomly during use of the toothbrush.